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SUBJECT: YEMEN: 2003 ANNUAL TERRORISM REPORT

REF: STATE 301352

1. Embassy Sana'a responses to instructions for the "Patterns on Global Terrorism" report are keyed to lettered paragraphs in State 301352.

2. Post responses:

A) SIGNIFICANT ACTIONS TAKEN BY HOST GOVERNMENTS TO SUPPORT THE GLOBAL COALITION AGAINST TERRORISM, PARTICULARLY LAW ENFORCEMENT ACTIONS TAKEN AGAINST AL-QAIDA OPERATIVES, BUT INCLUDING DIPLOMATIC EFFORTS AND ACTIONS TO BLOCK TERRORIST ASSETS, ENACT NEW COUNTERTERRORISM LAWS, AND RATIFY EXISTING TREATIES.

-- Law Enforcement: There was continuing law enforcement cooperation between Yemeni and U.S. law enforcement authorities throughout 2003, which has produced tangible results and progress on dismantling al-Qaida in Yemen:

On November 25, the Republic of Yemen government (ROYG) arrested Saudi-born Mohammed Hamdi al-Ahdal (AKA Abu Assam al-Maki), who has been implicated in the October 2000 attack on the U.S.S. Cole. Abu Assam is suspected to have been a close associate of Ali al-Harithi, who was among the six al-Qaida suspects killed in November 2002 in Marib and is believed to have been a mujahidin facilitator connected to the Cole attack. U.S.-trained and equipped Central Security Forces (CSF) put their training into action and played a central role in the operation to apprehend Abu Assam.

Hadi Dulqum, a weapons dealer, al-Qaida associate and supplier of weapons for the group also arrested by the ROYG in 2003 and remains in custody.

In mid-September 2003, the ROYG disrupted an al-Qaida cell operating in Sana'a, Yemen and targeting Western interests. The cell was headed by Afghanistan-trained 'Amr al-Sharif, who was trying to reconstitute al-Qaida in Yemen. In October, however, the ROYG expressed confidence that the "danger was over" for Western targets in Yemen and asserted that all cell members inside Yemen had been captured. The government provided further information on the ROYG's investigation into the cell's activities and members, particularly information on several arrests in Yemen and Saudi Arabia.

In cooperation with Yemeni officials, the FBI actively participated in the investigation of the December 30, 2002 shootings of three American health care workers in Jibla. Pursuant to the joint investigation, the shooter, Abed Abdulrazak al-Kamel, was tried, convicted and sentenced to death in an open trial in May 2003. This decision was upheld by the appellate court and is being referred to the Yemen Supreme Court (see also, response to Question B).

During Operation Iraqi Freedom, an Iraqi Intelligence Service (IIS) sleeper cell was disrupted by the ROYG in Sana'a and its members arrested. This cell was planning attacks on U.S. Embassy personnel.

There was one significant Anti-Terrorist Assistance (ATA) event with the ROYG in 2003. From July 26 to August 6, the Department of State and the FBI jointly sponsored a terrorist crime scene investigation training course for ROYG officials. Yemeni officials trained by the FBI participated in the take-down of the 'Amr Sharif al-Qaida cell (see above).

-- Military/Counterterrorism Cooperation: Based on mutual cooperation with Yemen, the U.S. is providing:

- counter-terrorism training and modernization for Yemeni Special Forces;
- U.S. Military Training Teams (MTTs) in country to train ground and maritime forces;
- equipment (including 8 patrol boats due to arrive in early 2004), training, and guidance to establish Yemeni Coast Guard (YCG) capabilities;
- equipment and training for Yemen's Terrorist Interdiction Program (TIPS), an on-line system for monitoring entry and exit from all of Yemen's air, land, and sea ports. The program is currently in Phase II (of 3 phases) and has established monitoring portals at all 24 border crossing points in Yemen. Phase III will be completed in early 2004.

These collaborations are producing tangible successes. In June 2003, the newly-formed Central Security Forces (CSF) CT unit was dispatched to the Hattat mountains in Abyan province to hunt down and bring to justice those responsible for an attack on a Red Crescent medical convoy the week before. The area commander put this unit, trained by British and U.S. forces, at the lead of this effort when Ministry of Defense forces became bogged down by harassing gunfire from the surrounding hills. Over a three day period, the CSF unit engaged those responsible and completed their mission with praise from Minister of Interior Alimi and President Saleh. The same unit was sent out the following week to complete mop-up operations, as they were trained to do by the U.S./British training teams.

-- Actions to block terrorist assets: Throughout the year, Yemeni authorities referred for action to appropriate banking institutions information about individuals and entities identified under U.S. executive orders as related to terrorists or terrorist activities, as well as the freezing of Iraqi assets. The regulatory system of Yemeni banks remains relatively unsophisticated, however, and it is difficult to assess its effectiveness.

-- Diplomatic Efforts: President Saleh and senior government officials in 2003 held extensive bilateral discussions with visiting senior U.S. officials (CENTCOM General Abizaid, FBI Director Mueller, CJTF-HOA Commander General Robeson, Assistant Secretary Burns, Under Secretary for Non-Proliferation Ambassador Bolton), in which U.S.-Yemeni counter-terrorism cooperation was a key issue.

-- Ratification of Existing CT Treaties: As of November 2003, the Yemeni government still needed to ratify two of the twelve (financing and bombing) counter-terrorism treaties, both of which have been referred to Parliament and are expected to be ratified by early 2004.

B) DESCRIBE THE RESPONSE OF THE JUDICIAL SYSTEM OF EACH COUNTRY TO ACTS OF INTERNATIONAL TERRORISM AND/OR SIGNIFICANT ACTS OF DOMESTIC TERRORISM DURING 2003, INCLUDING ANY HOST GOVERNMENT PROSECUTIONS RELATING TO TERRORISM. PARTICULAR ATTENTION SHOULD BE GIVEN TO HOST GOVERNMENT ACTIONS REGARDING ACTS OF TERRORISM AGAINST OR AFFECTING U.S. CITIZENS OR FACILITIES.

-- There have been no reported kidnappings of any Westerners since the November 2001 kidnapping of the German businessman. The Yemeni government has worked closely with U.S. officials to prevent attacks against Western interests.

-- The perpetrators of the December 30, 2002 shootings of three Americans in Jibla -- Abed Abdulrazak al-Kamel, the shooter, and Ali Ahmed Mohamed Jarallah, the planner -- were tried, convicted and sentenced to death in separate trials in 2003. On December 1, 2003, a three-judge panel affirmed the death sentence of al-Kamel, who will appeal the decision to the Yemen Supreme Court. Court officials expect that the conviction will be upheld and passed to President Saleh, who is likely sign off on the order to carry out the sentence. Post representatives attended al-Kamel's trial and appeal proceedings, which were relatively transparent and openly reported in the local media.

-- Al-Kamel coordinated the attack with Ali al-Jarallah, who was convicted of both the Amcit murders and the assassination of Yemeni Socialist Party Deputy Secretary-General Jarallah Omar in a separate trial in Sana'a in October 2003. Al-Jarallah is also expected to appeal his conviction and sentence. No specific date has been set for the executions.

-- In April 2003, it was reported that a number of the U.S.S. Cole suspects had escaped prison; two have since been recaptured, but neither of the primary suspects, Jamal Mohammed al-Badawi and Fahd Mohammed Ahmed al-Quso, have been returned to custody.

-- An Islamic scholarly commission formed in August 2002 continues its dialogue efforts with detainees arrested in connection with extremism and/or terrorist attacks which reportedly include Yemeni returnees from Afghanistan and members of the Al Jihad organization. Prior to being released, the detainees are screened by the Political Security Organization (PSO) and must sign statements assuring good conduct (i.e., commitment to Yemeni President Saleh, the constitution, laws, peace and security, the rights of non-Muslims, and the inviolability of foreign interests). Thirty-four detainees were released post-Ramadan 2002 and the commission recommended 92 for release after Ramadan 2003. At this date it remains unclear how many have actually been released.

-- In October 2003, despite repeated statements that "Islamic Aden-Abyan Army" leader Khalid Abd-al-Nabi was dead, Yemeni officials revealed that he was not killed in February 2003 confrontations between the hard-line Islamic group and a Yemen army anti-terrorism unit in the Hattat Mountains

region, Abyan Governorate (in the southern part of the country). Instead, Abd-al-Nabi surrendered to the Yemeni authorities, was released from custody, and is not facing charges for any of his activities.

C) DID THE HOST GOVERNMENT EXTRADITE OR REQUEST THE EXTRADITION OF SUSPECTED TERRORISTS FOR PROSECUTION DURING THE YEAR? PARTICULAR ATTENTION SHOULD BE GIVEN TO HOST GOVERNMENT RESPONSES TO U.S. REQUESTS FOR EXTRADITION OR ASSISTANCE IN TERRORIST CASES.

D) DESCRIBE ANY SIGNIFICANT IMPEDIMENTS TO HOST GOVERNMENT PROSECUTION AND/OR EXTRADITION OF SUSPECTED TERRORISTS.
(Answer to Question 2C and 2D combined)

-- Article 45 of the Yemeni Constitution prohibits the extradition of any Yemeni citizen to any foreign authority.

-- There is no extradition treaty between Yemen and the United States, and Yemen made no requests for extradition from the U.S. in 2003.

-- The ROYG requested that the U.S. not extradite Shaykh Mohammed Hasan al-Moayad and Mohammed Mohsen Yahya Zayed, both Yemeni citizens, from Germany to the United States to face charges of conspiring to provide support to al-Qaida and HAMAS. Al-Moayad and Zayed arrived at Kennedy International Airport in New York on November 16, 2003 and were subsequently arraigned in U. S. District Court in Brooklyn, New York.

-- Yemen periodically exchanges prisoners with Saudi Arabia, including terrorist suspects. One October 2003 press report claims that 40 "militants" have been exchanged in the past two years. Names are generally not provided.

E) DISCUSS HOST GOVERNMENT RESPONSES OTHER THAN PROSECUTION. THESE WOULD INCLUDE, BUT ARE NOT LIMITED TO, PUBLIC STATEMENTS BY GOVERNMENT OFFICIALS OR OFFICIAL NEWS AGENCIES FOLLOWING A TERRORIST INCIDENT (IN OR OUTSIDE THE COUNTRY) AND EFFORTS BY HOST GOVERNMENT TO INVESTIGATE TERRORIST INCIDENTS OR TO ASSIST WITH INTERNATIONAL TERRORISM INVESTIGATIONS.

-- In January 2003, the official government news agency (SABA) undertook a public diplomacy campaign aimed at stigmatizing terrorist activities. The government printed booklets on "The Phenomenon of Terrorism in Yemen" to highlight the political, social and economic costs of terrorism, which were presented to Yemen's Parliament and widely distributed. In 2003, the ROYG also began publishing the details, names and pictures of terror suspects, e.g., escaped U.S.S. Cole suspects.

-- The public statements of President Saleh, Prime Minister BaJammal, Minister of Foreign Affairs Qirbi, Minister of Interior Alimi, and other senior Yemeni officials in 2003 made clear the policy of the Yemeni government to oppose international terrorism, especially the activities of al-Qaida (see responses 2A through 2D above). President Saleh repeatedly called upon al-Qaida elements in Yemen to repent and abandon their mistaken views, and to surrender to Yemeni authorities.

F) DESCRIBE MAJOR COUNTERTERRORISM EFFORTS UNDERTAKEN IN 2003 BY THE HOST GOVERNMENT, INCLUDING STEPS TAKEN IN INTERNATIONAL FORA.

-- Increased cooperation with the U.S. on counter-terrorism (as described in the responses above) has included improving the Yemeni capabilities to develop and implement a Maritime Security Strategy and to increase border security.

-- Land border security, particularly the long frontier with Saudi Arabia, is a major concern for Yemen. In the aftermath of the Riyadh bomb attacks in May 2003, Yemen and Saudi Arabia launched a joint effort (reportedly with funding from the Saudi side) to improve border control, including a signed agreement in June 2003 to upgrade border surveillance. An important change on the Yemeni side is that responsibility for border control is expected to be transferred from the military to civilian forces under authority of the Ministry of the Interior. The head of the Border Guards has a bold, but as-yet unfunded, plan to establish 18 districts along the Yemeni-Saudi border to provide in depth defenses against smuggling activity.

-- Yemen has also initiated a tripartite collaboration with Sudan and Ethiopia to increase counter-terrorism, security and cultural cooperation, as well as economic development.

G) DESCRIBE ANY SIGNIFICANT HOST GOVERNMENT SUPPORT FOR INTERNATIONAL TERRORISM, TERRORISTS, OR TERRORIST GROUPS, INCLUDING (BUT NOT LIMITED TO) POLITICAL AND FINANCIAL SUPPORT OF TERRORISTS OR THEIR ACTIVITIES; DIPLOMATIC SUPPORT THROUGH DIPLOMATIC RECOGNITION; MISUSE OF THE DIPLOMATIC

POUCH AND OTHER DIPLOMATIC PRIVILEGES TO SUPPORT TERRORISM;
PROVISION OF SANCTUARY AND/OR THE PRESENCE OF OFFICES OF
TERRORIST GROUPS; PROVISION OF TRAINING OR TRAINING SITES;
PROVISION OF WEAPONS; AND POSITIONS TAKEN ON TERRORISM ISSUES
IN INTERNATIONAL FORA.

-- Yemen is a supplier and transshipment point for weapons, including surface-to-air missiles, to both Middle Eastern and Horn of Africa countries. A UN Committee of Experts recently reported on the need to reduce arms in the country and to increase international cooperation to reduce the flow of arms from Yemen to Somalia. The government is aware of the illegal export of arms via various routes, and is taking steps to make borders less permeable (e.g. boat/vessel registration) and to track weapons within its borders (e.g., gun licensing).

-- Like other Arab governments, Yemen distinguishes between terrorism, which it condemns and opposes, and what it sees as legitimate resistance activities against the Israeli occupation by Palestinian organizations such as HAMAS and Palestine Islamic Jihad (PIJ). (Note: This position was given formal expression in the 1998 Arab Convention on the Suppression of Terrorism. End note)

-- Yemen has consistently opposed the U.S. definition of "terrorism" and calls for a "demarcation line" to be drawn between 'terrorism' and 'resistance' in reference to the Palestinian intifada. Yemen's policies provide political support to Palestinian organizations, while seeking to dissociate it from approval for terrorist acts, such as HAMAS and PIJ-sponsored suicide attacks against non-combatant Israeli targets.

-- Al-Qaida is attempting to re-constitute an operational presence in Yemen.

-- HAMAS maintains a political presence in Yemen.

-- Yemen's indigenous Aden-Abyan Islamic Army remains active.

-- While Palestine Islamic Jihad (PIJ) has a legally declared presence in Yemen, it does not have any known actual or operational presence.

-- Shaykh Abdallah Bin-Husayn al-Ahmar, Speaker of the Yemeni Parliament, has repeatedly called for boycotting Israeli goods as well as the goods that are made in states supporting Israel. In an October rally for boycotting U.S. and Israeli goods at Sana'a University, Al-Ahmar said that "we must not buy Israeli products because it supports and strengthens the enemies of Islam, the oppressors, and the murderers who are spilling the blood of our Palestinian brothers." Al-Ahmar subsequently backed away from any boycott of American goods. The al-Ahmar family runs the lucrative Kentucky Fried Chicken franchise in Sana'a.

H) HAS THE HOST GOVERNMENT MADE ANY PUBLIC STATEMENTS IN SUPPORT OF A TERRORIST-SUPPORTING COUNTRY ON A TERRORISM ISSUE? (THE SEVEN GOVERNMENTS DESIGNATED BY THE SECRETARY AS STATE SPONSORS OF TERRORISM ARE CUBA, IRAN, IRAQ, LIBYA, NORTH KOREA, SYRIA, AND SUDAN. PLEASE NOTE THAT, ALTHOUGH IRAQ REMAINS A DESIGNATED STATE SPONSOR, ALL APPLICABLE SANCTIONS HAVE BEEN SUSPENDED.)

-- The Yemeni government does not consider Arab countries such as Iraq, Syria and Sudan as "terrorist-supporting" countries. As far as Iraq is concerned, the Yemeni government did not support U.S.-led Operation Iraqi Freedom and never accepted the U.S. position that the former Iraqi regime possessed weapons of mass destruction.

-- In many local and international events, Yemen has reiterated its rejection of terrorism and violence, as well as any activities that aim to impair the interests of any country. Yemen always called for lifting the sanctions imposed on Sudan, Libya and Iraq "as the reasons for imposing the sanctions do not conform with international laws."

-- Yemen has never considered suicide attacks carried out by HAMAS or by other jihad movements in Palestine as terrorist acts, but it called on such organizations to give former Palestinian Prime Minister Abu Mazen the chance to accomplish peace.

-- On November 12, 2003, Yemeni Vice President Abd Rabbu Mansour Hadi met with the Syrian Ambassador in Sana'a denouncing Israeli threats to strike at Syria and declaring full support to Syria, which is strongly opposed to U.S. and Israeli policies. The official Saba News Agency quoted Vice President Hadi as vowing full support to Syria "against any provocations threatening Syria's security or stability." These remarks came after Israel had threatened to hit Syria if it continued to support extremist organizations threatening Israel from Syrian territories.

-- In May 2003, Iranian President Khatami visited Yemen to sign seven bilateral agreements to cooperate on security, trade, development, culture and shipping; Khatami was on the first visit by an Iranian president to Sana'a since the 1979 Islamic Revolution. Relations between the two countries have improved noticeably in recent years and both nations have shown a firm political resolve to boost bilateral ties.

-- Yemen has consistently expressed solidarity with Sudan and called for its territorial integrity to be maintained. The Yemeni government welcomed and expressed strong support for the recent peace accord signed between the Sudanese government and the Sudanese Front for the Liberation of Sudan.

I) DESCRIBE ANY SIGNIFICANT CHANGE SINCE 2002, POSITIVE OR NEGATIVE, IN THE HOST GOVERNMENT'S ATTITUDE TOWARD TERRORISM, INTERNATIONAL OR DOMESTIC. WHAT IS RESPONSIBLE FOR THIS CHANGE?

-- Over the past several years, Yemen's attitude regarding international and domestic terrorism has strengthened noticeably, and the trend continued throughout 2003. (See responses to questions above.)

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